

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

RONNIE GILES,

PLAINTIFF,

V. CIVIL ACTION NO: 3:06-cv-00528-WKW-VPM

MASTERBRAND CABINETS, INC.,

DEFENDANT.

MOTION TO AMEND

COMES NOW the Plaintiff by and through his counsel of record, and moves this Honorable Court to allow him to Amend and Restate his Complaint heretofore filed in this cause and shows in support thereof, the following:

1. Plaintiff has filed his Complaint in this cause and it has been served on
the Defendant in this cause.
2. In paragraph 27 of the original complaint, Plaintiff needs to add that he
has suffered mental anguish.
3. In the Prayer for Relief, Plaintiff needs to add #5 to include mental
anguish damages.
4. No responsive pleading has been filed in this cause by the Defendant
herein.

NOW THEREFORE, Plaintiff moves this Honorable Court for leave to amend and restate his complaint as set forth in Exhibit "A" hereto.

Respectfully submitted,

/s/ Allen D. Arnold

Allen D. Arnold

OF COUNSEL:
ARENDALL & ASSOCIATES
2018 Morris Avenue, Third Floor
Birmingham, Alabama 35203
205.252.1550 - Office
205.252.1556 - Facsimile

CERTIFICATE OF SERVICE

I do hereby certify that I have mailed a copy of the above and foregoing, by U.S. Mail, properly addressed and postage prepaid on July 28, 2006, upon:

Masterbrand Cabinets, Inc.
c/o CSC Lawyers Incorporating Svc. Inc.
Agent for Process of Service
150 S. Perry Street
Montgomery, AL 36104

Further, I have filed the foregoing with the Clerk of the Court using the CM/ECF system on July 28, 2006.

/s/ Allen D. Arnold

Of Counsel